IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

APPEAL NO.597 OF 2002
IN
CONTEMPT PETITION NO.128 OF 1998
IN
SUIT NO.550 OF 1977

Shankar Gharu Kirve Appellant
vs.
Videocon International Ltd. & anr. Respondents

Mr.Sandip S. Jinsiwale for the appellant.

Ms.P.V.Thorat i/b.Mr.V.M.Thorat for the respondents.

**CORAM : DR.S.RADHAKRISHNAN &**
**ANOOP V. MOHTA,JJ.**

**DATED : 26th November, 2007**

**P.C.**

Heard the learned counsel for the appellant and the learned counsel for the respondents.

2. By this appeal, the appellant is challenging the order of the learned Single Judge mainly with regard to the contempt aspect. Subsequent to the learned Single Judge's order parties have mutually settled the entire dispute and have arrived at certain consent terms and the Suit has now been decreed as per the consent terms by the learned Single Judge by an order dated 6th August, 2004.

3. It appears that the appellant herein who was

original respondent no.1 was found guilty of contempt of the order of this Court and in view of his advanced age i.e. more than 90 years old, he was sentenced to pay fine of Rs.1500/- within a period of 15 days from the date of the order, in default to undergo Simple Imprisonment for a period of 15 days. The learned counsel for the appellant says that the fine amount has already been deposited in this Court.

4. In view of the fact that the parties have now mutually settled the entire matter amicably by filing consent terms and various undertakings have been given and the same have also been complied with, we are inclined to set aside the order of conviction as far as contempt aspect is concerned and set aside the imposition of Rs.1500/- especially having regard to the fact of advanced age of the appellant. Even the learned counsel for Respondents has no objection to the same. Accordingly, the order of conviction as well as imposition of fine of Rs.1500/- on the Appellant is set aside and the appeal is allowed to the above extent. The Prothonotary & Senior Master is directed to refund the said amount of Rs.1500/- to the appellant.

5. Appeal stands disposed of accordingly.

**[ANOOP V. MOHTA,J.]** **[DR.S.RADHAKRISHNAN, J.]**